

REMARKS

This responds to the Office Action dated May 31, 2007. Claims 1, 2, 3, 4, 6, 8, 9, 10, 14, 15, 17, 18, 19, 20, 21, 23, 26, 28, 35, 36, 37, 38, 39, 40, 41, 42 are amended. Claims 5, 11, 12, 13, 16, 22, 24, 25, 29, 31, 32, 33, 43, 50, 56 are cancelled without prejudice or disclaimer. Claims 57 - 68 are added. As a result, claims 1-4, 6-10, 14-15, 17-21, 23, 26-28, 30, 34-42, 44-49, 51-55, and 57-68 are now pending in this patent application.

Examiner Interview Summary

Applicant thanks Examiner Layno for extending the courtesy of a telephonic interview with Applicant's counsel, Suncel Arora, on August 30, 2007. Claims 1, 3, and 4 were discussed, along with the following references: (1) Mann et al. U.S. Patent No. 4,082,097; and (2) Schroepel U.S. Patent No. 5,749,909. Applicant believes that it was agreed upon that adding the following language to independent claim 1 would render claim 1 and its dependent claims allowable over the Mann and Schroepel references: "without requiring user intervention, patient contact, or any alignment between the energizable coil and the implantable medical device . . ." (underlining represented language to be added into independent claim 1).

Applicant has amended the claims to include such language in independent claim 1. Therefore, Applicant respectfully submits that claim 1 and its dependent claims are now allowable, and Applicant respectfully requests notification of the same.

Allowable Subject Matter

Applicant gratefully acknowledges the Office Action's allowance of claims 44-49 and 51-55.

Claims 4-9, 12, 14-16, 18-21 and 27-42 were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Accordingly, Applicant has rewritten claim 27 to include the subject matter of its base claim 1 as previously pending. This is presented as new independent claim 57.

Certain other claims that were indicated to be allowable are included among the new dependent claims 58-68, which depend from allowable independent claim 57, however, certain clarifying amendments have been made to such claims.

In sum, Applicant respectfully submits that all claims are now in allowable form. Accordingly, Applicant respectfully requests allowance of all claims.

§102 Rejection of the Claims

Claims 1-3, 10, 11, 13, 17 and 23-26 were rejected under 35 U.S.C. § 102(b) as being anticipated by Mann et al. (U.S. Patent NO. 4,082,097). Applicant respectfully submits that this rejection has been overcome and that all claims are in allowable form for the reasons given above. Accordingly, Applicant respectfully requests withdrawal of this rejection of these claims.

Reservation of Rights

In the interest of clarity and brevity, Applicant may not have equally addressed every assertion made in the Office Action, however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6911 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6911

Date

August 31, 2007

By



David W. Black
Reg. No. 42,331

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 31st day of August 2007.

Nicole Jack

Name


Signature